

AMENDMENTS TO LB 1090

(Amendments to E & R amendments, AM7202)

1 1. Insert the following new sections:

2 "Sec. 4. For purposes of this section and section 5 of
3 this act:

4 (1) Low-income subscriber means an individual subscriber
5 with a household income of less than twenty thousand dollars per
6 year;

7 (2) Subscriber means any person, firm, partnership,
8 corporation, limited liability company, municipality, cooperative,
9 or other entity to whom a supplier sells electricity at retail; and

10 (3) Supplier means any public power district, public
11 power and irrigation district, individual municipality, registered
12 group of municipalities, electric membership association, or
13 cooperative selling electricity at retail to subscribers.

14 Sec. 5. (1) Beginning January 1, 2005, and ending
15 December 31, 2007, each supplier shall assess and collect monthly
16 from each subscriber a surcharge equivalent to five percent of the
17 subscriber's monthly charge for electricity, excluding all federal,
18 state, and local taxes. The supplier shall remit the amounts
19 collected to the State Treasurer for credit to the Cash Reserve
20 Fund. The Accounting Administrator of the Department of
21 Administrative Services shall create a subaccount within the Cash
22 Reserve Fund for the deposit and accounting of revenue received as
23 a result of the surcharge. The surcharge shall be collected

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1 monthly in the same manner as the sales tax under the Nebraska
2 Revenue Act of 1967, including provisions of the act relating to
3 due dates, interest, penalties, and collection procedures, except
4 that no collection fees shall be allowed any supplier.

5 (2) Failure by the subscriber to pay the surcharge is
6 deemed to be nonpayment for services rendered by the supplier and
7 shall be subject to the remedies set forth in Chapter 70, article
8 6, for nonpayment, including, but not limited to, disconnection of
9 electrical service.

10 (3) Suppliers of electricity may deduct any amounts
11 deemed uncollectible from the supplier's monthly remittance of the
12 surcharge to the State Treasurer.

13 (4) The Nebraska Power Review Board may adopt and
14 promulgate rules and regulations which totally or partially exempt
15 low-income subscribers from the surcharge. Such rules and
16 regulations shall limit the exemptions to a total of twenty-one
17 million dollars over any three-year period.

18 Sec. 6. (1) The Low-Level Radioactive Waste Disposal
19 Litigation Fund is created. The Department of Environmental
20 Quality shall administer the fund. Any money in the fund available
21 for investment shall be invested by the state investment officer
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska
23 State Funds Investment Act.

24 (2) The Low-Level Radioactive Waste Disposal Litigation
25 Fund shall be used for expenses, including, but not limited to,
26 settlement or judgment costs, relating to litigation over disposal
27 of low-level radioactive waste to which the State of Nebraska is a

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1 party. At the direction of the Governor, the State Treasurer shall
2 transfer funds from the subaccount of the Cash Reserve Fund created
3 pursuant to section 5 of this act to the Low-Level Radioactive
4 Waste Cash Fund. Amounts transferred are hereby appropriated for
5 FY2004-05 and shall only be expended to pay judgments resulting
6 from litigation in federal district court regarding the low-level
7 radioactive waste licensing process.

8 (3) The Legislature may provide for transfer to the
9 General Fund of any money in the Low-Level Radioactive Waste
10 Disposal Litigation Fund no longer needed for purposes of
11 subsection (2) of this section."

12 2. Renumber the remaining sections accordingly.